

Exhibit E

February 02, 2021

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

4 STUDENTS FOR FAIR
5 ADMISSIONS, INC.,

)
)

6 Plaintiff,

) CIVIL ACTION

7 VS.

) NO.: 1:20-cv-00763-RP

8 UNIVERSITY OF TEXAS AT
9 AUSTIN,
10 ET AL.,

)
)

11 Defendants.

12 -----
13 ORAL AND VIDEOTAPED DEPOSITION OF
14 -----

15 FEBRUARY 2, 2021

16 VOLUME #1
17 -----
18 ORAL AND VIDEOTAPED DEPOSITION OF [REDACTED]

19 [REDACTED] produced as a witness at the instance of
20 the DEFENDANT, and duly sworn, was taken in the
21 above-styled and numbered cause on February 2, 2021,
22 from 9:35 a.m. to 11:48 a.m. via Zoom before Miah
23 Hoffman, CVR in and for the State of Texas, reported by
24 oral stenography, pursuant to the Federal Rules of Civil
25 Procedure and the provisions stated on the record or
 attached hereto.

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9 ALSO PRESENT:

10 JOSEPH (JODY) HUGHES: Associate Vice President For
11 Legal Affairs (UT)

12 KTA HOST: DEA BROWN

13

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EXHIBITS

* There were no exhibits to this deposition.

CERTIFIED QUESTIONS

16	NO.	PAGE/LINE
17	1	56:5

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1

PROCEEDINGS

2

REPORTER: We are on the record. Today's date is February 2nd, 2021. The time is 9:35 a.m. This is the oral deposition of [REDACTED] and it is being conducted remotely by agreement of the parties or in accordance with current Emergency Orders.

7

The witness is attending from [REDACTED]

8

9 My name is Miah Hoffman, CVR #7859 with
10 Kim Tindall & Associates. I am administering the oath
11 and reporting the deposition remotely by oral
12 stenographic means.

13

My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232. The witness has been identified to me through attestation of [REDACTED] counsel.

17

Would counsel please state their appearances for the record?

19

MR. MCKETTA: This is Mike McKetta for defendants.

21

MR. POWERS: Matt Powers also for defendants.

23

MR. CONNOLLY: Michael Connolly for the plaintiff.

25

MS. SIMPSON: Carter Simpson for the

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1 defendant, Intervenors.

2 MR. HINOJOSA: David Hinojosa for the
3 Intervenors.

4 (Witness duly sworn.)
5

6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. MCKETTA:

9 MR. MCKETTA: Thank you. Mike do you
10 want to just incorporate the stipulations that you
11 recited yesterday or do you want to repeat them?

12 MR. CONNOLLY: Yeah. Would you mind if I
13 repeated them?

14 MR. MCKETTA: Fine.

15 MR. CONNOLLY: So this -- these are the
16 stipulations that the parties agreed to before -- before
17 the deposition. During this deposition it is possible
18 that UT or the Intervenors will ask questions that SFFA
19 believes infringe upon the First Amendment associational
20 rights of SFFA and its members. SFFA may instruct the
21 witness not to answer a question on these grounds. If a
22 disagreement arises as to whether this instruction is
23 improper, the parties agree to do their best to resolve
24 the disagreement during the deposition or if necessary,
25 before the Court. SFFA agrees that UT and the

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1 Does that sound either correct or approximately correct?

2 MR. CONNOLLY: Objection to the form.

3 THE WITNESS: I -- I believe that sounds
4 correct. Maybe -- maybe a little early. I'm -- I'm not
5 sure. Sometime in that spring for sure. Spring or
6 winter.

7 Q. (BY MR. MCKETTA) The sequence of dates that
8 might help probably recollect, might not, but might. It
9 appears to me that an email admissions decision from
10 Texas went out on January 25th and that you opened it on
11 January 27, 2019; then the records we were given in the
12 lawsuit from SFFA showed a membership of January 28th
13 although it may be that you began that process earlier.
14 And then you had an appeal of the admissions decision
15 February 22 according to the record that I've seen.
16 Does -- does that sequence help put in place
17 approximately when you joined SFFA?

18 MR. CONNOLLY: Objection to the form.

19 THE WITNESS: Yes, that does sound
20 approximately correct then.

21 Q. (BY MR. MCKETTA) How did you come to know of
22 the existence of SFFA?

23 A. I heard about it from my dad first.

24 Q. Does he [REDACTED]?

25 A. No.

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1 Q. I'm sorry. What -- what's his work?

2 A. He he works as a [REDACTED]

3 [REDACTED]
4 Q. And you heard from your dad. Then what steps
5 did you take to learn more about it or to join or how
6 did the joining take place?

7 MR. CONNOLLY: Objection to the form.

8 THE WITNESS: I looked it up online and
9 then searched around a bit -- spent too much time on the
10 Internet and then I joined online as well.

11 Q. (BY MR. MCKETTA) There is a Twitter account
12 for UT Not Fair and it was started before the period
13 we're talking, it started in 2017. Are you familiar
14 with that Twitter account?

15 A. Honestly, no. I don't think it -- for sure
16 I've never followed or anything. I might have seen a
17 tweet by them.

18 Q. It has three followers and I was gonna ask if
19 you were one of them. Did you talk with anybody other
20 than your father about coming to know SFFA and joining
21 SFFA?

22 MR. CONNOLLY: Objection to the form.

23 Q. (BY MR. MCKETTA) Be -- before you actually --

24 MR. CONNOLLY: Sorry, you cut out there.
25 Be -- before you actually what?

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1 Q. (BY MR. MCKETTA) Just a yes or no.

2 A. No.

3 Q. Tell me, if you would, the benefit to you
4 personally that you expect if SFFA were to win this
5 lawsuit?

6 MR. CONNOLLY: Objection to the form.

7 THE WITNESS: For me personally, I'll be
8 able to apply to transfer to UT and be considered
9 fairly, and possibly apply there for grad school as
10 well.

11 Q. (BY MR. MCKETTA) Would you not -- suppose this
12 lawsuit has not ended by the time you graduate, does
13 that mean you would not apply to the University of Texas
14 for graduate school?

15 MR. CONNOLLY: Objection to the form.

16 THE WITNESS: It doesn't mean that.
17 Because a lot of people in my industry go to work for a
18 few years and they come back for graduate school and
19 paid for, which I would for sure be interested in doing.

20 Q. (BY MR. MCKETTA) Have you been -- this again,
21 is a yes or no question. Have you been invited to vote,
22 whether you did or did not vote, have you been invited
23 to vote on anything related to SFFA?

24 MR. CONNOLLY: Objection to the form.

25 THE WITNESS: I'm not sure.

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1 at the same time to make them both mad, no, ma'am.

2 MS. SIMPSON: Okay. That's all my
3 questions, thank you very much.

4 REPORTER: One moment. Can I get that
5 name again the tele --

6 THE WITNESS: [REDACTED]

7 REPORTER: Thank you.

8 THE WITNESS: And I can give you [REDACTED]
9 contact information if you need it.

10 MR. CONNOLLY: No, please don't.

11 THE WITNESS: Okay.

12 MR. CONNOLLY: Okay. We're still on the
13 record?

14 BY MR. CONNOLLY:

15 Q. [REDACTED] I have just a few questions for you.

16 Are you a member of Students For Fair Admissions?

17 A. Yes.

18 Q. Do you know what SFFA's mission is?

19 A. Yes, it's to end --

20 Q. What --

21 A. Sorry?

22 Q. What is that mission?

23 A. It's to end the policy of race-based
24 admissions in the U.S.

25 Q. You support that mission?

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1 A. Yes.

2 Q. If the University of Texas were to stop using
3 race in the admissions process, would you apply to
4 transfer to the University of Texas?

5 A. Yes.

6 MR. CONNOLLY: No further questions for
7 me.

8 MR. MCKETTA: Mike you reconsidered an
9 objection of yours on Carter's questioning, would you
10 please reconsider your objection to the yes or no
11 questions about contributions of money, about voting,
12 and about attendance of events?

13 MR. CONNOLLY: I did -- I did think about
14 that over the break and the objection stands.

15 MR. MCKETTA: Thank you. I have nothing
16 further, is everybody through with their questions?

17 MS. CARTER: Yes, thank you.

18 MR. MCKETTA: Very good. Thank you [REDACTED]
19 [REDACTED] thank you, Miah.

20 REPORTER: All right. Before we go off
21 the record again, I do have -- Mr. Connolly your
22 transcript order and it's the same as -- for -- from
23 yesterday, correct?

24 MR. CONNOLLY: Correct.

25 REPORTER: All right. Is there any other